

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| <b>KURT SCHEUERMAN</b>             | : |                                      |
|                                    | : |                                      |
| <b>Plaintiff</b>                   | : |                                      |
|                                    | : |                                      |
| <b>v.</b>                          | : | <b>Civil Action No. 10-3684(FSH)</b> |
|                                    | : |                                      |
| <b>NESTLE HEALTHCARE NUTRITION</b> | : |                                      |
|                                    | : |                                      |
| <b>Defendant</b>                   | : |                                      |
|                                    | : |                                      |
| <b>MARIA JOHNSON</b>               | : |                                      |
|                                    | : |                                      |
| <b>Plaintiff</b>                   | : |                                      |
|                                    | : |                                      |
| <b>v.</b>                          | : | <b>Civil Action No. 10-5628(FSH)</b> |
|                                    | : |                                      |
| <b>NESTLE HEALTHCARE NUTRITION</b> | : |                                      |
|                                    | : |                                      |
| <b>Defendant</b>                   | : |                                      |
|                                    | : |                                      |
|                                    | : |                                      |

**ORDER ON INFORMAL APPLICATION**

This matter having come before the Court;

and the Court having conducted a telephone conference on the record on November 15, 2010;

and the Court being advised that the plaintiffs' counsel need to confer about a management structure but that they agree to consolidation;

and the defendant stating that it is unable to agree to consolidation for trial at this time;

and all parties agreeing at this time to the consolidation of these cases for pretrial

purposes;

and the Court permitting the parties to propose adjustments to the deadlines for Rule 26 disclosures and serving and responding to interrogatories and document demands but that all other deadlines will remain binding on all parties in this case;

and for the reasons discussed on the record on November 15, 2010;

and for good cause shown,

IT IS ON THIS 15th day of November, 2010

ORDERED that the above-captioned cases shall be consolidated for pretrial purposes;

IT IS FURTHER ORDERED that if a party requests an adjustment to the deadlines for Rule 26 disclosures and the service and responses to interrogatories and document demands, then the parties shall confer and request an extension of the deadlines no later than **November 23, 2010** and submit a proposed order;

IT IS FURTHER ORDERED that plaintiff Johnson shall file an Amended Complaint or the Johnson and Schuerman parties shall file a Consolidated Amended Complaint no later than **December 10, 2010**;

IT IS FURTHER ORDERED that the defendant shall Answer, move, or otherwise respond to the Johnson Amended Complaint (or Consolidated Amended Complaint if one is filed) no later than **January 7, 2010**. The defendant is absolved from responding to the Johnson Complaint that was filed in state court; and

IT IS FURTHER ORDERED that all deadlines and requirements set forth in the Order dated October 28, 2010 shall remain in full force and effect.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**